IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 17471 of 2004

Between:

P. Bhagyalakshmi W/o P. Sival Shankar Reddy, F.P.Shop dealer,
Nagireddypalli Village, Ananthapur Mandal Ananthapur District

..... PETITIONER

AND

1 The Joint Collector, Ananthapur Ananthapur District
2 The Revenue Divisional Officer, Ananthapur, Ananthapur District
3 The Mandal Revenue Officer, Anantapur, Anantapur district
4 K. Nagendramma W/o. Thippa Reddy
A. Nagireddipalli village, Anantapur Mandal & District.

(R4 is impleaded as per court order dt. 1-11-2004 in
WPMP 25134 of 2004.)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction more particularly one in the nature of Writ of Certiorari call for the records relating to order made in Rc. No. D1/CS/1259/2004 dated 10-9-2004 passed by the 2nd respondent and quash the same as illegal, arbitrary and in violation of principles of natural justice and consequently direct the Respondents to release the stocks as usual to the petitioner in pursuance of the authorization bearing No. 417/2004 dated 23-7-2004 issued by the 2nd respondent to run the F.P. Shop at Nagireddypalli Village, Anantapur Mandal and District.

Counsel for the Petitioner:MR.GANDURI NAGESWARA RAO

Counsel for the Respondent Nos.1 to 3: GP FOR CIVIL SUPPLIES.

Counsel for the Respondent No.4:MR. S.V. RAMANA

The Court made the following :

ORAL ORDER;

The authorization of the permanent Fair Price Shop Dealer of Nagireddypalli village, Anantapur Mandal and District was cancelled by the 2nd respondent on 26-10-1997. To temporarily fill the vacancy, on 08-01-1998 one person was appointed for 6 months to the Fair Price Shop. The petitioner was appointed thereafter by the proceedings of the 2nd respondent dated 25-11-1998 temporarily for a period of 6 months, after which, the temporary dealership of the petitioner was to cease. Pursuant to the order dated 25-11-1998, the petitioner was functioning as a temporary fair price shop dealer of Nagireddypalli. Thereafter, a fresh temporary authorization was granted in favour of the petitioner on 23-07-2004 till 31-3-2006. By an order dated 10-9-2004, the 2nd respondent suspended the authorization of the petitioner pending enquiry into certain charges relating to malfunctioning by the petitioner and the petitioner was called upon to offer her explanation to the eight charges framed and also to show cause why her authorization be not cancelled on the basis of the charges. The petitioner appears to have preferred an appeal to the first respondent under Clause 20(1)(i) r/w Clause 20(1)(2) of the Andhra Pradesh Public Distribution System Control Order, 2001. This appeal was rejected by the first respondent by proceedings dated 21-09-2004 recording the reason that a temporary dealer has no right to appeal. The 1st respondent also directed the 2nd respondent to summarily terminate the temporary dealership of the petitioner under the terms of the Control Order, 2001.

Under Clause 20 of the Control Order, 2001 an appeal lies only against any order passed by the appointing authority under Clause 5 of the Control Order, 2001. No appeal is postulated against an order of suspension of a temporary authorization. Therefore, the appeal preferred by the petitioner to the 1st respondent from the orders of the 1st respondent is patently incompetent.

In the circumstances, the rejection of the appeal by the first respondent, by an order dated 21-09-2004 on the ground that no appeal is maintainable, suffers from no infirmity, though not for the reasons recorded by the 1st respondent, warranting

interference in this writ petition.

The writ petition is devoid of merits and is accordingly dismissed.

As against the orders of the 2nd respondent suspending her temporary authorization, the petitioner is at liberty to pursue such remedies as are available to her at law.

There shall be no order as to costs.

_____

01-02-2005

To

1 The Joint Collector, Ananthapur Ananthapur District
2 The Revenue Divisional Officer, Ananthapur, Ananthapur District
3 The Mandal Revenue Officer, Anantapur, Anantapur district
4 Two CCs to the Government Pleader for Civil Supplies, High Court

Building, Hyderabad. (OUT).

5 Two C.D. copies.

Sj/pvsn